

SENATE BILL No. 368

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-116.5; IC 16-42-25.

Synopsis: Prohibition on the sale of ephedra. Prohibits the sale or distribution of ephedra in Indiana. Makes the unlawful sale or distribution of ephedra a Class A misdemeanor. Makes certain exceptions.

Effective: July 1, 2004.

Alting

January 12, 2004, read first time and referred to Committee on Health and Provider Services.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 368

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-116.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2004]: **Sec. 116.5. "Ephedra", for purposes**
4 **of IC 16-42-25, has the meaning set forth in IC 16-42-25-1.**

5 SECTION 2. IC 16-42-25 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2004]:

Chapter 25. Drugs: Prohibition of the Sale of Ephedra

8 **Sec. 1. As used in this chapter, "ephedra" means an herb or**
9 **herbal product that contains any form of ephedrine or ephedrine**
10 **alkaloids, including:**

- 11 (1) **ma huang;**
12 (2) **Chinese ephedra;**
13 (3) **Ephedra sinica;**
14 (4) **ephedra herb powder; and**
15 (5) **epitonin;**

16 **or any extract of a substance described in subdivisions (1) through**
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- 1 (5).
2 Sec. 2. This chapter does not apply to a drug that contains
3 ephedra and that is:
4 (1) prescribed or dispensed by a physician licensed under
5 IC 25-22.5 for a purpose other than weight loss, body
6 building, or athletic performance enhancement; or
7 (2) approved by the federal Food and Drug Administration as
8 safe and effective for the drug's intended use.
9 Sec. 3. A person may not sell or distribute ephedra in Indiana.
10 Sec. 4. A person who knowingly or intentionally sells or
11 distributes ephedra commits the unlawful sale or distribution of
12 ephedra, a Class A misdemeanor.

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